

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan COTA-Cruz

Defendant.

Magistrate Case No. 07-007-MJ-2378

COMPLAINT FOR VIOLATION

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

Title 8, U.S.C., Section
1324(a)(2)(B)(ii)-
Bringing in Illegal Aliens for
Financial Gain

DEPUTY

The undersigned complainant being duly sworn states:

Count 1

On or about **October 3, 2007**, within the Southern District of California, defendant **Juan COTA-Cruz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jesus Francisco VALENZUELA-Garcia**, and **Jesus RUIZ-Garcia** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count 2

On or about **October 3, 2007**, within the Southern District of California, defendant **Juan COTA-Cruz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Teresa GARCIA-Lopez**, **Jesus Francisco VALENZUELA-Garcia** and **Jesus RUIZ-Garcia** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Signature of Complainant
Sara Esparagoza
U.S. Customs and Border Protection Officer

Sworn to before me and subscribed in my presence, this 5th day of **October 2007**.


United States Magistrate Judge

PROBABLE CAUSE STATEMENT

The complainant states that, **Maria Teresa GARCIA-Lopez, Jesus Francisco VALENZUELA-Garcia, and Jesus RUIZ-Garcia** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Wednesday October 3, 2007 at approximately 9:40 PM, **Juan COTA-Cruz (Defendant)** applied for admission into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through the vehicle primary lanes. Defendant was the driver of green Chevy Malibu. Accompanying Defendant was a female front passenger later identified as **Maria Teresa GARCIA-Lopez (MW1)**. During primary inspection before a Customs and Border Protection (CBP) Officer, Defendant presented a Border Crossing Card bearing the name Jose Luis Bustillos-Bustillos for himself and a Permanent Resident Card bearing the name Claudia Barragan De Navarrette for the passenger. The CBP Officer was alerted to a computer-generated referral and escorted the vehicle to secondary.

While escorting the vehicle to secondary, the CBP Officer noticed Defendant and passenger were imposters to the documents presented. Defendant and passenger were taken into custody and escorted to a secondary office for further investigation. A cursory inspection of the vehicle revealed four people concealed in the trunk. The four persons were removed from the trunk of the vehicle and were determined to be Mexican citizens with no proper documents to enter the United States. Two are being held as Material Witnesses and are now identified as **Jesus Francisco VALENZUELA-Garcia (MW2)** and **Jesus RUIZ-Garcia (MW3)**. Roberto GALVAN-Almazan and Alberto OLVERA-Almazan were administratively removed from the United States to Mexico. The passenger, **Maria Teresa GARCIA-Lopez**, was also determined to be a Mexican citizen with no legal documents to enter the United States and was also held as a Material Witness. The Defendant was determined a Mexican citizen with no legal documents to enter the United States and was identified as a recidivist alien smuggler.

Defendant was advised of his Miranda rights and elected to make a statement and answer questions without a lawyer present. Defendant admitted he was attempting to smuggle undocumented aliens in exchange for not paying a smuggling fee of \$3,000.00 USD. Defendant stated he knew the passenger was an undocumented alien and knew that other undocumented aliens were concealed in the trunk of the vehicle. Defendant stated he was saving himself \$3,000.00 USD for being the driver. Defendant stated he made the smuggling arrangements with an unknown male in Tijuana, Mexico. Defendant stated he was going to drive the vehicle to San Diego.

Material Witnesses were interviewed and the following declarations were obtained: Material Witnesses declared being Mexican citizens with no entitlements to enter or reside in the United States. Material Witnesses stated they intended to go to various locations in the United States to seek employment. Material Witnesses stated smuggling fees were to be paid ranging from \$2,000.00 USD to \$3,000.00 USD.